

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

FCC MAILED SECTION 145

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In re Applications of	)	MM DOCKET NO. 97-77
	)	
GREATER WASHINGTON EDUCATION	)	File No. BPED-930617MB
TELECOMMUNICATIONS ASSOCIATION, INC.	)	
Channel 219B	)	
Leonardtown, Maryland	)	
	)	
For Construction Permit for a New	)	
Noncommercial Educational FM Station	)	
	)	
COLUMBIA UNION COLLEGE BROADCASTING, INC.)	)	File No. BPED-930723MB
Channel 220B	)	
Takoma Park, Maryland	)	
	)	
For Modification of Facilities of	)	
Station WGTS-FM	)	
Takoma Park, Maryland	)	

MEMORANDUM OPINION AND ORDER

Issued: August 27, 1997

; Released: August 29, 1997

1. This is a ruling on a Petition For leave To Amend and proposed Amendment filed by Columbia Union College Broadcasting, Inc. ("CUC") on August 7, 1997. The Amendment would change CUC's engineering proposal to modify facilities of Station WGTS-FM at Takoma Park, Maryland. Comments In Support Of Amendment were filed by Greater Washington Educational Telecommunications Association, Inc. ("GWETA") on August 18, 1997. The Bureau has reviewed the engineering data, concurs with the Amendment and recommends its acceptance and termination of this proceeding.

2. The applicants are seeking to construct and modify their broadcast facilities in separate communities at Leonardtown and Takoma Park, Maryland. The respective facilities would serve different areas. But their operations would result in interference through an overlap of contours. Because the proposals are mutually exclusive, the Commission specified an issue under Section 307(b) of the Communications Act of 1934, as amended to determine which of the proposals would provide a fair, efficient and equitable distribution of broadcast service. Hearing Designation Order, DA 97-378, released February 24, 1997 ("HDO"). A hearing date was set for August 26, 1997. Order FCC 97M-60, released April 18, 1997.

3. Thereafter, at the request of the parties, the procedural and hearing dates were suspended to consider CUC's proposed Amendment. Order FCC 97M-132, released August 1, 1997. CUC's Amendment would eliminate the conflicting contour overlaps which raised the issue under Section 307(b) that caused this case to be set for an evidentiary hearing. CUC's amended engineering would allow the grant of GWETA's original application for a new radio station at Leonardtown, Maryland as well as CUC's application for a station modification at Takoma Park. The Amendment would utilize a directional antenna to eliminate the contour overlap of CUC's proposal with GWET's Leonardtown application. There will only be a 17% change in the service area through elimination of the overlap. The Amendment does not propose service to any new area not covered by CUC's original application and

other Commission Rules that apply to the application will not be effected. The Bureau has reviewed the Amendment and its engineering staff has concluded that it complies with the Commission's technical rules.

4. The proposed Amendment will not prejudice any party to the proceeding. There is no prospect that CUC will achieve any comparative advantage under Section 307(b) and there will be no disruption of the proceeding by additional issues. Erwin O'Connor Broadcasting Co., 22 F.C.C. 2d 140, 142 (Review Bd 1970). The principals of both parties have filed declarations denying a promise or receipt of any consideration in connection with the filing of CUC's Amendment. All requirements of Section 73.3525 (agreements for removing application conflicts) are in accord with acceptance of the Amendment. There has been no filing made for an unlawful purpose and no consideration has been paid or received for filing the Amendment.

5. It is concluded that acceptance of the Amendment would be in the public interest. GWETA would operate as a satellite station of commonly owned Station WETA-FM, Washington, D.C. and in a related determination made under the HDO, the Chief of the Bureau's Audio Services Division has waived the main studio rule [47 C.F.R. §73.1125(a)(4)] for GWETA. HDO at Para. 2-3. Therefore, with the acceptance of CUC's Amendment that will result in the elimination of a conflicting contour overlap, the application of GWETA as well as the application of CUC can be granted forthwith and this proceeding can be terminated. In that regard, since the objectives of Section 307(b) are being met by acceptance of the Amendment there is no need for a republication.

#### Order


Accordingly, IT IS ORDERED that the Petition For Leave To Amend filed by Columbia Union College Broadcasting, Inc. on August 8, 1997, IS GRANTED and the Amendment dated August 7, 1997, IS ACCEPTED.

IT IS FURTHER ORDERED that the application of Greater Washington Education Telecommunications Association, Inc. (File No. BPED-930617MD) for a Construction Permit for a new noncommercial educational FM Station at Leonardtown, Maryland IS GRANTED.

IT IS FURTHER ORDERED that the application of Columbia Union College Broadcasting, Inc. (File No. BPED-930723MB) for modification of noncommercial educational FM facilities of Station WGTS-FM at Takoma Park, Maryland IS GRANTED.

IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION



Richard L. Sippel  
Administrative Law Judge